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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

NINFO SALGADO,

Defendant and Appellant.

D062148

(Super. Ct. Nos. SCD236953,
SCD239011)

APPEAL from a judgment of the Superior Court of San Diego County, Kerry Wells, Judge. Affirmed.

This appeal arises from guilty pleas in two cases as part of a plea agreement. Pursuant to the agreement, Ninfo Salgado pleaded guilty in case no. SCD236953 to two counts of attempted murder (Pen. Code,¹ §§ 664/187), admitted the gang enhancements (§ 186.22, subd. (b)(1)), and that a principal discharged a firearm (§ 12022.53, subds. (c) & (e)).

¹ All further statutory references are to the Penal Code unless otherwise specified.

Salgado also pled guilty in case no. SCD239011 to three counts of assault by means of force likely to cause great bodily injury (§ 245, subd. (a)(1)); admitted the great bodily injury enhancement (§ 12022.7, subd. (a)), and the gang enhancement. In addition, Salgado admitted one serious/violent felony prior conviction (§ 667, subds. (b)-(i)).

The parties stipulated that the total sentence Salgado would receive as a result of his guilty pleas was 38 years in prison. The sentence would be consecutive to a two-year term for a robbery conviction in another case.

Following his guilty pleas, Salgado's motion for self-representation was granted. He thereafter brought a motion to withdraw his guilty plea, which was denied following a contested evidentiary hearing.

The court sentenced Salgado to the stipulated 38-year term, consecutive to the two-year term for robbery for a total determinate term of 40 years in prison.

Salgado filed a notice of appeal and obtained a certificate of probable cause.

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 368 U.S. 738 (*Anders*) raising possible, but not arguable issues. We offered Salgado the opportunity to file his own brief on appeal but he has not responded.

STATEMENT OF FACTS

In case no. SCD236953 Salgado aided and abetted David Salmeron, a member of the 73 Locos gang, when Salmeron attempted to kill people he believed were associated

with a rival gang. Salgado intended to aid or further the actions of the 73 Locos gang. Salmeron personally discharged a firearm during the commission of the crime.

In case no. SCD239011, Salgado personally assaulted Jessica B. and inflicted great bodily injury. Salgado also aided and abetted Rudolfo Jasso in his assault on Jessica B. The assaults were committed for the benefit of a street gang.

DISCUSSION

As we have previously noted, appellate counsel has filed a brief indicating she is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies the possible, but not arguable issues:

1. Whether Salgado was properly advised of his constitutional rights prior to his guilty plea;
2. Whether Salgado's guilty plea was knowing and intelligent;
3. Whether Salgado was advised of the direct consequences of his guilty plea;
4. Whether there was a factual basis for each of Salgado's guilty pleas;
5. Whether Salgado was sentenced in accordance with the plea agreement;
6. Whether Salgado received effective assistance of trial counsel;
7. Whether the court erred in denying Salgado's motion to withdraw his guilty pleas; and
8. Whether the court properly calculated Salgado's sentence.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738 and have not found any reasonably arguable appellate issues. Competent counsel has represented Salgado on appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

O'ROURKE, J.

IRION, J.